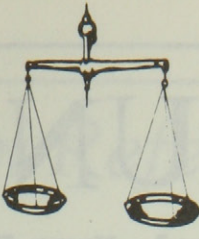


# Quid Novi



VOL. VI NO. 22 26 1986

MCGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT UNIVERSITE MCGILL

March 26, 1986  
26 mars, 1986

## SKIT NITE: A Yearly Favourite

by Terry Pether

The cream pie has been mopped from the stage and Professor Scott is left, once again, to dress his considerable wounds. Skit Nite is over for another year. 'Twas an evening of barbs and beers, music and mayhem woven together by the tight licks and beats of a super band and the straightman play of Mike Shuster who, as David Lawyerman, didn't miss a cue. Unfortunately, the same cannot be said for the stage crew or the audio guys. But the amateurish production flaws revealed Skit Nite for what it was meant to be -- just a bunch of law students collecting under the spot-

light at the most languid time of year to poke fun at anybody and everything that deserves the honour.

A good crowd turned out to catch a show of vast and varied offerings. The cleverest sendups of the night were "Mr. Scott", "Dr. Sigmund Fraud" and "The Maltese Factum". Poor plastercine Steven was victimized on video by the common law's most notorious torts while his namesake, a good sport, was oblivious to the brilliance of this item because he has never seen Saturday Night Live. In his skit, Roberto Cucci made a terrific shrink whose accurate psychoanalysis of the chalk-tenden-

cies of assorted professors was delightfully thorough save for his failure to include Professor Baker who doesn't use chalk at all because there's no "big red hand" to show him where to find it. And whoever portrayed Bogey in this last of clever skits was appropriately slimey and not entirely too far removed from the sort that lurks in the library as it acquires a seamy atmosphere around mooting time.

Mr. "Pearls" Lee and Professor Jukier were effectively nailed (I overheard the latter protest that she doesn't shop at

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## LL.B REDUCTION FOR B.C.L. STUDENTS: AN OPPOSING VIEW

by Greg Borden

Last November, the Faculty Council approved a proposal reducing the weight of all the basic LL.B. private law courses for future B.C.L. - National Programme students. The changes (which will affect students entering B.C.L. next September) will reduce the credits allotted to Property, Contracts and Torts by up to a third. (Concurrently, Obligations taken by B.C.L. students

will be increased from eight to ten credits, and Property I, from three to six credits). However, students entering through the LL.B. stream will still benefit from the full LL.B. courses as they are now taught. Thus, there will be two separate streams for all the basic private law courses.

In January, several of us wrote a letter to the Quid, bringing this decision to the attention of

students. We believed that we were raising certain fundamental difficulties which students would want to consider and address. At the end of the letter we indicated that a petition would be circulated to determine whether our concerns were shared by others.

The petition was circulated and the response was overwhelming. In a period

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# ANNOUNCEMENTS

## McGill Campus Legal Aid Clinic

### Party! Party! Party!

All staffers are invited to MCLAC's year-end bash on Thursday, 27 March at 7:30 p.m. in the Common Room. If you thought the "eats and drinks" were great last time, wait 'til you see what we've got in store this time. Come greet the new directors, mingle with your colleagues, and enjoy the finest refreshments this side of the annual banquet.

### Closing Announcement:

MCLAC will be shutting down its 1985/86 operating year as of Friday, 4 April. The directors would like to thank all volunteer staffers for their dedicated participation in MCLAC activities, both at the Clinic itself, and in the various satellite programs including radio, lectures, publications, Women's Information and Referral Centre and Project Genesis.

### Summer 1986:

MCLAC will be back in business as of Monday, 12 May. The 1986/87 operating year promises to be the most exciting and extensive ever. We would like to invite current staffers to consider reapplying for next year, and potential new staffers to do the same (watch for information to be sent during the summer). As well, anyone who might be interested in contributing to MCLAC activities during the summer months is encouraged to either speak with any of the directors, or to show up at the Clinic after 12 May -- Student Union Building, Suites B-20 -- B-21 (392-8918).

## "Wanted: Warm Bodies for Municipal Magic"

Did you lack the political savvy to jump on the 1986 Federal Tory bandwagon? Did you fail to join the Libs in time for the 1985 "Rouge Resurrections" in Quebec and Ontario? If so, you may not be the greatest "political animal" since Machiavelli's "Prince".

But take heart, Chancellorites, another political dynasty is emerging, and you can still get in on the ground floor.

The Montreal Citizen's Movement will most likely be catapulted into City Hall in this November's municipal elections. For 12 years, the party has offered a grass-roots alternative to the "imperial" style of the Drapeau regime. The MCM, and leader Jean Doré, have been increasing steadily in popularity and recognition, as witnessed by reports like the recent cover story in *L'Actualité*. A *Gazette* poll last month found that 73% of Montrealers don't want Drapeau to run again. And with Nick Auf der Maur's "spoiler" party (MAG) now officially dead, the road is clear for the MCM.

The MCM is in the midst of a membership drive to bolster resources (human and financial) for the home stretch to the November elections. If you'd like to find out about the MCM's programme, join the party, or even get involved in your own district's organization, please visit our information table in the Pit, on Wednesday, April 2nd from 12-2. If you can't make it, leave a note for Rick Goldman at SAO or call that Municipal Power-Broker at 866-0018.

**Rick Goldman**

Please be advised that the McGill Law Journal is presently seeking to have adopted by the L.S.A., a \$1.00 increase in the present student subscription rates to the Journal, effective as of the year 1986-87. This referendum will be voted on by the student body on Thursday, March 27th.

**Anne Spafford  
Circulation Editor**

### Notice to Students Interested in Quebec Civil Procedure

I am pleased to announce that Me Pierre Latraverse, an experienced litigator with the Montreal law firm of Clark, Woods, will be giving two lectures in the Faculty on the subject "Un survol de l'action en justice".

These lectures will cover such areas as introduction of an action; interest, quality and capacity to sue; jurisdiction of judicial tribunals; powers of courts, judges and prothonotaries; preliminary exceptions; etc.

These two lectures, which will be of particular interest to any student thinking of working with the legal clinic next year, will be given in French and will take place on Thursday, March 27 and Thursday, April 3. Both lectures will be held at 5:00 p.m. in Room 101.

**Roderick A. Macdonald  
Dean**

### LSA Bookstore

The L.S.A. Bookstore will open:

Wednesday, March 19, 1986,  
and  
Wednesday, March 25, 1986

from noon until 2 p.m. and then close for the term.



# Quid Novi Referendum

## Please say Yes

Along with the upcoming general elections, the Quid Novi will introduce a resolution calling for an increase in its funding. The reason for such an increase is simple. In the past three years, annual expenses for the Quid have increased from \$3600 to \$4800, while its allotment of the student fees has remained at \$5 per student which amounts to approximately \$2700 annually. The obvious deficit has traditionally been alleviated by external fund raising and subscription sales, however these means of acquiring additional revenue are no longer enough, by themselves, to combat the Quid's present need for funding.

The resolution to be introduced will call for an additional \$1 per student, raising the student fees allotted to the Quid Novi

to \$3100 annually. This by no means fulfills Quid Novi requirements, but it does reduce dependency on external funding to approximately \$1700 per year.

Please support the Quid by voting Yes on the resolution.

**Peter Pamel**  
Financial Manager

### *A poem from a well-wisher*

There once was a room, musty and bare  
So cold and dark that no one went there  
Then one evening, hours stretching to morn'  
A newspaper called the Quid Novi was born.

Before Quid Novi, we were an isolated bunch  
When it came to the news, we were out to lunch;  
Now with our own rag, we all know the score  
We know all we need to, and then sometimes more.

Now the Quid Novians are asking our leave  
To give them a monetary reprieve  
And to what they have published, as an act of sheer will  
They're asking us to contribute a six dollar bill.

Me, I'm a starving student too,  
Know the Kraft dinner deluxe, just like you  
But six bucks isn't much for all that you get  
So vote for Quid Novi -- it's a sure bet.

Anonymous non-staff person (really)

## Dear Dan

Dan Landers

Dear Dan,

I have always been a great fan of yours, but I never thought that I would ever write you for advice. That is, until my whole world caved in. Last week my boyfriend played in a band for a faculty skit night. That was fine, I was very proud of his performance. But since that evening, Englebert (that's not his real name) has been constantly harassed by an insistent group of well-wishers. This adulation culminated yesterday in a

**DAN  
LANDERS**



six-hour kidnapping drama, during which they molested Burt in the library elevator. I haven't seen such an outpouring of uncontained enthusiasm and misdirected affection since they held that Brian Ward look-alike contest.

What can I do to restore some measure of our privacy? I dare you to print this letter.

Signed,  
Unwanted Groupies Left Yet?

Dear Ugly,

Just be happy you're not going out with a Law Alpha Fisherman....

Signed,  
Dan

CONFIDENTIAL TO SCARED WITLESS:

You'll never catch up now. Shake off the old beach blanket, buddy boy, and enjoy the mild weather.



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# LETTERS TO THE EDITOR

Skit Nite at the McGill Faculty of Law. A chance for a witty and irreverent fun poke at the institutions and personalities in our community, right? Wrong. According to the "Fever" sketch, at Skit Nite it is appropriate to reinforce stereotypes of authority and emphasize the perception that the faculty is composed of aloof and superior beings that are to be adored from a distance.

For those of you who had the foresight to skip Skit nite, the Fever sketch was a music and dance number. Four women in black body suits sat in a classroom. At the head of the class, Dean Macdonald was sprawled, wearing jeans, an undershirt and a pair of dark glasses. The skit consisted of one of the women singing the Peggy Lee song "Fever" (you give me fever, fever when I touch you, fever when you hold me tight...) while the other three women kicked their legs, snapped their fingers, and thrust out their pelvises at the Dean.

Well I might not be Einstein, but when you hit me over the head with a brick even I get it. What subtle imagery: the Dean, immobile and distant while these fevered coeds wiggle their bums for him. Women have fevers for men in positions of power over them. Let's not ridicule authority, let's reinforce it. Let's underline the differences between men and women and between faculty and students.

At this point, those of us who were cleverly absent

may imagine that perhaps this sketch was in some way a form of biting satire. Let me assure you that it was not. It was sung and danced most earnestly by the cast and received seriously by the audience. Certainly everyone was supposed to think that the Dean looked pretty funny in those sunglasses, but that hardly qualifies as wit.

The truly interesting thing about this skit is not that these women thought that this kind of performance was an appropriate way of interacting in the community. What is fascinating is that this sketch was not killed for being so unfunny and in such poor taste. Perhaps the people working on it had become too involved to realize what it looked like from the outside. But how does Dean Macdonald justify his participation? Even if you give him the benefit of the doubt and assume that he had no part in writing it, someone must have said to him at some point, "Gee Dean Macdonald, I wonder if you'd like to do this sketch. All you have to do is slouch at the front of a classroom while a line of female students do a bump and grind because they're so hot for you". Watching this sketch was very informative for those of us who've been perplexed by the administration's erratic interest in women's issues.

Carol-Lynne Saad  
LLB II

Cont'd on p. 7



## Skit-Nite Cont'd from p. 1

Rive Gauche). I've never met the Associate Dean, but if Jay Josefo was any good, Haanappel comes off like a vampire with a lousy memory. This year, Dean Rod, after last year's twangy confession that in spite of having the mens rea for love he couldn't get the actus reus, woefully searched in song for a remedy. Some numbers provided refuge from the madness. Our school's resident popstar, Mark Vinet, turned in a fine performance of "Against All Odds" and Asha Saxena's "Classical Indian Dance" was a well-received bit of culture on an evening other-

wise void thereof. Other numbers ferried us right back into the hoopla such as that Rasta version of "Born in the L.S.A." massacred by the soundmen.

The requisite newscast represented one of the final intelligent sources of laughter before the show progressed to baser presentations, most especially with the Alpha Fishermen. This crowd favourite was warming up their classy act before taking it on the road in Sunday's St. Patrick Day Parade. Even the Alpha Rebuttal chorus line was compelled to be sexy and sassy to capture the attention of these lime-green louts. The Women's Football Team's tough

rappin' indicated that they wouldn't stand for such antics. And that torchy rendition of "Fever" must have melted the Alpha boys in their tracks.

As the bartenders began to fill beer cups, the show drew to a close with skits like "The Dead Professor" and its two shrill and lovely cockney wenches musing over a corpse that could scarcely be blamed for laughing out of turn. Organizer Vincent Gallo and many helpers brought together a fun Skit Nite which raised some \$4000 for the Old Brewery Mission in Montreal. All of the acts were great. And Lenny Roth gets an honourable mention for a superb Ed Norton as "The Honeymooters".

## LL.B. Reductions Cont'd from p. 1

of only two weeks it attracted the signatures of a third of the student body -- nearly two hundred students. The breadth and strength of the response was, to my knowledge, one of the largest by the student body on any academic issue to come before it. And, it is significant that it involved opposing a reduction in credits, whereas students seem generally to favour proposals reducing compulsory credits.

The petition was not merely a demonstration of concern, however. It was the beginning of a discussion of the issues, and a way of bringing them to people's attention. Students raised many concerns in these discussions, both practical and academic. These concerns, I believe, deserve to be examined with care.

McGill is unique in providing an opportunity to obtain two law degrees as part of an integrated National program. Each

degree, however, must be able to stand on its own. A National program student who happens to enter through the B.C.L. stream wants to know that his grounding in the Common Law is as solid and thorough as that of a graduate of any pure LL.B. program. The basic private law courses teach a great deal of substantive law. But they are also the primary instrument for developing a grasp of the issues, approach and reasoning process of the Common Law. McGill has never aimed at, nor should it now aim at, meeting minimum requirements. Our aim must be excellence. To be competitive in the job market, we must be at least as well equipped as graduates with only LL.B. degrees. We are concerned that reducing the credit-weight of these fundamental courses by a third may compromise these principles, especially if the courses are taught in only one semester. (At three credits, Torts will have to become a one-semester course. It is reasonable to expect that Property and Contracts will also be taught in one sem-

ester rather than as two-credit per semester courses.)

One student pointed to the irony of reducing Torts to three credits at a time when tort liability has become an expanding field. And many students were simply perplexed by how a Civil Law property course, even of enlarged scope, could prepare them for Common Law property.

At a more academic level, the basic first-year courses (both Civil and Common) are the foundations of two great private law systems. Each one must be understood in its own terms and our approach to them must preserve their integrity. We should be learning two systems in depth; again, we should not aim at the minimum. Rather, we must aim to absorb and to become conversant with the internal logic and reasoning of each system. The substantive law cannot be separated from the processes of reasoning native to each system. It is there-

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## LL.B. Reductions

Cont'd from p. 5

fore not possible to decide what should be included in, or excluded from, a course on the basis of a surface resemblance between the rules and subject matter of each legal tradition. Each is distinct and self-sufficient.

Another concern frequently-voiced is that the change, by which B.C.L. and LL.B. students will be streamed into separate courses, will encourage the creation of two law schools under one roof rather than promote their integration. Academic and social interaction between the programs should be fostered, not frustrated.

The Faculty Council decision presupposes that there is, or will be, substantial redundancy between first-year B.C.L. courses and first-year LL.B. courses, since editing existing subject matter to eliminate enough material to enable

the courses to be taught in one-third less time only makes sense if the material is redundant. (The change does not include shifting any of the material to subsequent courses since those courses will also be taken by LL.B. students who will continue to take the full courses as presently taught.) Such redundancy has not yet been demonstrated. Student response strongly supports the proposition that students do not now perceive any problem of redundancy. Objectively, it is also not clear that adding modalities and extinction of obligations to the Obligations course and additional material on possession, prescription and registration to Property I will suddenly create redundancy where none has yet been demonstrated. With the greatest respect to the Faculty Council, students have an obligation to, and an abiding interest in, the curriculum. Students have enthusiastically supported other curriculum changes

passed after considerable discussion. Decisions should be open to being reconsidered and the Dean has shown himself to be receptive to student input. We have every reason to believe, and to expect, that the Faculty would consider substantive student representation on the matter and, if warranted, reconsider their decision.

The discussion has begun and it must now be pushed to the fore. I believe that this is the most pressing academic issue on the student agenda. The changes will not actually be implemented until September 1987, when next year's B.C.L. students enter second year. It is therefore not too late for next year's student representatives to take up the issue. A change of this magnitude touches the very core of the National program. We therefore urge every candidate in the upcoming election to inform himself about the issues involved and to raise them as a priority item.

## M. Albert Mayrand: Senior Wainwright Fellow à McGill

La Faculté de droit de l'Université McGill accueille lors d'une réception en son honneur le Senior Wainwright Fellow, M. Albert Mayrand. On reconnaît, dans l'ordre habituel, le professeur Yves-Marie Morissette, secrétaire de la fondation Wainwright, le doyen Roderick A. Macdonald de la Faculté de droit de l'Université McGill, l'honorable Albert Mayrand et le professeur Paul-André Crépeau, c.r., président de la fondation Wainwright.

Après avoir siégé pendant neuf ans à la Cour supérieure et 11 à la Cour d'appel du Québec, l'hon. Albert Mayrand a quitté la magistrature et pris sa retraite en décembre dernier. Il s'agira en réalité d'une retraite fort active pour lui puisqu'il a déjà réintégré le milieu universitaire et qu'il consacrera une partie de son temps à la recherche en droit privé. Au mois de janvier, en effet, M. Mayrand était nommé Senior Wainwright Fellow à la Faculté de droit de l'Université McGill, où il parti-

cipe à certains travaux déjà en cours.

On se souvient qu'avant d'accéder à la magistrature, M. Mayrand avait d'abord pratiqué le droit pendant 14 ans puis fait carrière dans l'enseignement du droit à l'Université de Montréal. Professeur et secrétaire de la faculté, il avait en outre présidé pendant plusieurs années le comité de rédaction de la Revue du Barreau. Après sa nomination à la Cour supérieure,

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**Letter to the Editor**  
**Cont'd from p. 4**

I paid my \$5.00 and am glad it went to the Old Brewery Mission. I came with no great expectations though I hoped for a chuckle or two. Well, I laughed a little but there was more that was disturbing than amusing. Several of the skits were undeniably sexist and misogynistic and cannot be justified as being original or witty or satirical in any way.

The women depicted in most of the skits were stereotypical brainless cardboard characters whose only worth is to be found in their measurements and how much of their objectified bodies they reveal. "Fever" and "The Alpha Rebutted" are examples of this. The former is dealt with in Carol Lynne's letter to the Quid so I need not add anything. As for the latter, giving it the benefit of the doubt, there seems to have been an attempt at satire in the choice of song played while the women cast members

danced a striptease chorus line. But even here, the point can only be seen as degrading.

"Cum Phila Thi", like fruit at the market; hear how "Sisters Are Doing It For Themselves". Is there in fact some biting social commentary in all of this that I am missing? Or is this the best we women in law can do to help "sisters" do it for themselves? It looks rather like some women feel a need to assert their "femininity" to prove that they are not unlike what women are "supposed" to be....

There was Candy in "The Museum of Legal Artifacts" who made Suzanne Somers of "Three's Company" look like Gloria Steinem. In "The Maltese Factum" -- besides the incredibly immature tone of the entire skit -- we found the woman in need of a "Dick" representing the popular pornographic conception of women as sexually insatiable and masochistic.

References made to women

by males in some skits were equally offensive. "The Honeymooters" made light of sexual assault:... "and if that don't work, tell 'em the broad was game, right?" Wrong. Rape is not comedy; it is a violent crime and as lawyers they should recognize this. It cannot be turned into a good skit; to think it an appropriate subject rather reflects a dangerously indifferent attitude on the part of the actors to women's right to bodily integrity and their right to be taken seriously when a crime has been committed against them. Trying to make fun of it is about as appropriate as caricaturing Jews enjoying a "holiday" in concentration camps.

In the end, all of this was a sad commentary on the attitudes of the present crop of aspiring lawyers. If these harmful stereotypes are all we can expect from Skit Nite, it would best not be done.

Denise Giroux

**M. Albert Mayrand**  
**Cont'd from p. 6**

M. Mayrand prit part de tres près à la révision du Code civil. Ses nombreux articles scientifiques et les ouvrages qu'il a publiés sur des sujets aussi variés que le droit des successions, l'inviolabilité de la personne humaine et les expressions latines en droit positif, témoignent de la diversité de ses intérêts. Premier conférencier Wainwright en 1973 et Senior Wainwright Fellow en 1986, M. Mayrand, qui est aussi jurisconsulte auprès de l'Assemblée Nationale depuis le 5 février dernier, travaille en ce moment avec d'autres chercheurs du Centre de droit privé et comparé du

Québec à la préparation d'un dictionnaire de droit privé. Il est heureux que la communauté juridique québécoise puisse ainsi

profiter de la vaste expérience de juriste de M. Mayrand.

Reprinted From  
Barreau 86 March





# COURTS PRESENCE:

## Intramurals Men's Basketball

### The Road to the Final Four:

Out of a field of 26 teams, the Interdicts squad flowed through the regular season without a loss but managed to compile 3 defaults; this had them ranked #4 going into the Championship tournament. The team approached the play-offs with the confidence that emanates from a roster filled with veterans: Academic All American Dave "The Consummate White Guy" Oliver, Marc "Where's My Locker" Lemieux, Graham "Downtown" Fraser, and power-forward Cliff "I Hope This Presentation Goes Well" Halickman rounded out the forward positions, while swifty Paul "The Glazed Doughnut" Wickens, Daniel "Le Pimp" Marion and the lone rookie point-guard Randy "The Pirate" Hofley filled out the Interdicts backcourt. The early rounds of the play-offs were won by margins in the double digits; height and speed supplemented by a few hot hands carried the team through to the quarter finals against the Faculty of Phys. Ed. Although severely outweighed and out-proportioned, the Dicts managed to rally in the second half to win by 8 points with some tough defence. The final four lay ahead; "the stuff dreams are made of".

### Monday, March 17th -- Currie Gym:

In the semi-finals, against two 6'7", 230 lbs forward-centers, the team fell behind by 2 at half time, the ball was not falling for high-scorer Dave Oliver or Mr. Open Lay-up Wickens. But, some fine defence forced needed turnovers in the second half and the team's touch came back in time for a 7-point victory; on to the championship game. In front of a hostile crowd of 30 of their opponents supporters, the Dicts took to the court in their final mission. The result was their usual shaky start but a two point lead at half. After the pep talk, the chemistry jelled; Gregor, the lone Interdicts' Fan commented, "These lads are hot!" With two minutes remaining, the Interdicts had accumulated an 8-point margin; it proved enough as Oliver canned a jumper at the buzzer to cap a win by 7. The long-awaited Intramural Basketball Championship finally rested with the faculty of law...bedlam ensued.

In the "locker room" celebration at Henri Richard's Taverne, comments about the victory came forth. High-scoring center David Oliver re. the balanced numbers on the score

sheet stated: "Lemieux finally had a decent game." Daniel "Le Pimp" commented on his inspiration "I did it for the wife," while board-cruncher Lemieux commented on his efforts in the long halves: "Thanks for the time-outs guys." (Note: Lemieux may, due to age, be looking to retire). Mr. post-game social convenor, Paul Wickens, entertained media from various major networks with his brand of jock humour, while Graham Fraser commented on the origin of his bilingual harassment of the referees, "You gotta learn French between the sheets." Prairie-bred quarterback Randy "The Pirate" fielded questions, along with his counsel and agent, regarding his announced absence from the squad next year: "Québec City has a fine program, and a renowned detoxification centre...but I will return". Power-forward Cliff Halickman was not available for comment.

Awards will be distributed April 1 at the Sports Banquet; season tickets will again go on sale next September. Yet, the question remains, is this the beginning of a dynasty or the end of a cinderella story?